

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

OCT 04 2021

Elizabeth Sines, et al

Plaintiffs

v

Jason Kessler, et al

Defendants

Case No: 3:17-cv-072-NKM

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

MOTION IN LIMINE TO LIMIT THE TESTIMONY OF PLAINTIFFS'
EXPERTS PETER SIMI AND KATHLEEN BLEE AND TO BAR ARGUMENT AND
TESTIMONY REGARDING DEFENDANTS' ALLEGED ANIMUS TOWARDS "IMMI-
GRANTS, SOCIAL MINORITIES AND FEMINISM" AS IRRELEVANT AND
INTENDED TO CONFUSE AND MISLEAD THE JURY PURSUANT TO FED.R.

EVID 401-403

Comes now the Defendant, Christopher Cantwell, and, he Moves this Court
In Limine To Limit The Testimony Of Plaintiffs' Experts Peter Simi And
Kathleen Blee And To Bar Argument And Testimony Regarding Defendants'
Alleged Animus Towards "Immigrants, Social Minorities And Feminism"
As Irrelevant And Intended To Confuse And Mislead The Jury Pursuant
To Fed.R.Evid. 401-403. In support, he states as follows:

- 1) In mid-September, 2021, Cantwell was able to begin reviewing the
report of Plaintiff's experts Simi and Blee,

Cantwell has previously moved to bar
any testimony relating to an incitement or aiding and abetting
theory of liability, as opposed to a conspiracy theory, and, some
of Simi and Blee's proposed testimony seems to be directed towards
such a theory. Further, this Court previously disposed of a motion

to exclude aspects of Simi's and Blee's testimony other than those contested here and invited further objection in said order. Sines v Kessler 2021 US Dist LEXIS 72553 (WD Va 2021).

- 2) Simi and Blee are two left wing university professors who were each paid \$30,000 out of Plaintiff's #SueANazi funds to take woke progressive and neo-Marxist tropes and compile them into a "report" giving the Plaintiff's political motives in bringing this case a veneer of academic respectability. Simi and Blee's claim is that they have previously studied some entity that they call the "white supremacist movement" and that this study has given them special insight into secret Nazi codes that were used on the Discord servers used in the organization of the Unite the Right rallies of August 11 and 12, 2017, much as if they were human Enigma machines. This Court previously ruled that Simi and/or Blee may testify to the "coded" meanings of Defendants' Discord posting but that "Defendants may later raise specific objections when the experts testify at trial." Sines (WD Va Apr 15, 2021).
- 3) A review of Simi and Blee's report, however, indicates that Simi and Blee intend to testify way outside that limited bounds in which their testimony as to Nazi secret codes may be relevant. Aristotle, in the fifth book of his Politics, states that a tyrant overturns a republic by building a coalition of immigrants, women, and, slaves, unites them with socially marginal elements, and, turns them against the polis' proper citizens, and, it seems that Simi and Blee's purpose in this litigation is to bring all of Aristotle's coalition of tyranny to bear against the Defendants by testifying about alleged animus the Defendants bear towards "immigrants, social minorities, and feminism."

- 4) As previously briefed, 42 USC §1985(3) and US Const Amend XIII proscribe private conspiracies to bring the Negro back into slavery; they do not extend to private conspiracies against "Jews", Antifa, the woke progressive left, or, as here, "immigrants", "social minorities" (whatever those are, as the Defendants here, being white working people struggling to build a nation in which they and their families may live at peace, are the most oppressed and marginalized "social minority" in the United States), and, "feminism." Griffin v Breckenridge 403 US 88 (1971); United Brotherhood of Carpenters and Joiners v Scott 463 US 825 (1983); Shaare Tefile Congregation v Cobb 785 F 2d 523 (4th Cir 1986); Harrison v HVAT Food Management 706 F 2d 155 (4th Cir 1985). To these cases, Cantwell also adds Bray v Alexandria Clinic 506 US 263 (1993), where the Supreme Court found that animus against feminists and the women they dupe is not proscribed by 42 USC §1985(3) because such animus is not invidious, and, he reminds the Court of St Francis v al-Kharaj 481 US 604 (1987), which found that national origin is not protected as a "race" under 42 USC §1981, et seq.
- 5) Similarly, Va Ann Code §8.01-42.1 provides a civil cause of action for racially and religiously motivated assault, not assault motivated by animus against immigrants, feminists, or, so-called "social minorities."
- 6) For the same reason that evidence of animus against those who identify as "Jews" should be barred, evidence of animus against immigrants, feminists and so-called "social minorities" should also be barred. Here, the Plaintiffs are part of the socially dominant majority culture of this country's liberal internationalist elite. Part of this dominant culture is the tactic of "crying out in pain

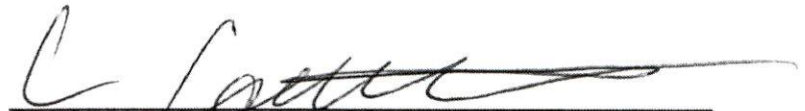
as you slap someone", the pretense that you, a member of this country's chosen, socially dominant elite, are, in fact, an "oppressed" person, and, the people that you have actually enslaved and tyrannize over are somehow "oppressing" you by even speaking out against the harm they are experiencing. Their sole purpose in bringing in irrelevant testimony from Simi and Blee is to try to build a coalition within the jury based on identity that will enter a verdict against the Defendants because they are white males, and, thus, not part of Aristotle's tyrannical coalition of the "oppressed". This is not a proper purpose of testimony, and, this courtroom is not hosting a Maoist struggle session. If the jury wants to be brainwashed, they can attend a university or turn on CNN; they shouldn't be subject to this pap here.

- 7) As to the supposed coded messages within the Discord testimony, which is the only proper scope of Simi and Blee's testimony, it appears that Simi and Blee want to talk about "the Defendants" without specifying which Defendant and what specific evidence they used to incorporate that Defendant into their conspiracy theory. Cantwell particularly objects to this because there is no foundation to find that he was on the "Southern Front" Discord server, and, he had very little interaction with the "Charlottesville 2.0" Discord server. It is not expected that Simi or Blee are going to testify about coded messages Cantwell made on Discord or at the August 11, 2017, meeting where he allegedly joined the conspiracy (a transcript of which has been tendered to the Court). Simi and Blee do appear to have reviewed some podcasts Cantwell was involved in, but, those podcasts should be excluded as evidence towards an aiding and abetting theory as described in Cantwell's prior motion.

8) Because there is essentially no Discord evidence against Cantwell, Simi and Blee should not be permitted to generalize about him as if he were similarly situated to the other "Defendants", or, as if there was some generic "Defendants" on trial, and, specific persons who have to be specifically linked to this conspiracy. To avoid spill-over from this intentionally highly prejudicial, not very probative, testimony, Cantwell asks that Simi and Blee be barred from testifying generally about "the Defendants", and, that their testimony be limited to Defendants who were on the Discord server whose communications on Discord are the subject of their scrutiny.

And, thus, Cantwell Moves this Court in Limine to enter an appropriate Order Limiting the Testimony of Simi and Blee And Barring All Argument Or Evidence About Alleged Animus Towards "Immigrants, Social Minorities, And Feminism."

Respectfully Submitted,



Christopher Cantwell
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CERTIFICATE OF SERVICE

I hereby certify that this Motion in Limine was mailed to the Clerk of the Court, 1st Class Postage prepaid, for posting on the ECF, to which all other parties are subscribed, and, handed to USP-Marion staff members Nathan Simpkins and Kathy Hill for electronic transfer to the Court this 1st day of October, 2021.



Christopher Cantwell